

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

DEANNA WILLIS,

Plaintiff,

v.

**CIVIL NO. 1:23-CV-19
(KLEEH)**

KILOLO KIJAKAZI,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION [ECF NO. 16]
AND REMANDING ACTION TO COMMISSIONER OF SOCIAL SECURITY**

On February 13, 2023, Plaintiff Deanna Willis ("Plaintiff") filed a Complaint against Kilolo Kijakazi, the Acting Commissioner of Social Security ("Defendant"), seeking judicial review of an adverse Administrative Law Judge ("ALJ") decision. Both parties filed motions for summary judgment. On December 11, 2023, United States Magistrate Judge Michael J. Aloï entered a Report and Recommendation ("R&R"), recommending that the Court grant Plaintiff's motion in part and deny Defendant's motion in part. The R&R recommends that the case be remanded for further development and review.

The R&R informed the parties that they had fourteen (14) days from the date of the filing of the R&R to file "specific written objections identifying the portions of the Report and Recommendation to which objection is made, and the basis for such objection." It further warned him that the "[f]ailure to timely

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file written objections . . . shall constitute a waiver of de novo review by the District Judge and a waiver of appellate review by the Circuit Court of Appeals." To date, no objections have been filed.

When reviewing a magistrate judge's R&R, the Court must review de novo only the portions to which an objection has been timely made. 28 U.S.C. § 636(b)(1)(C). Otherwise, "the Court may adopt, without explanation, any of the magistrate judge's recommendations" to which there are no objections. Dellarcirprete v. Gutierrez, 479 F. Supp. 2d 600, 603-04 (N.D.W. Va. 2007) (citing Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)). Courts will uphold portions of a recommendation to which no objection has been made unless they are clearly erroneous. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Because no party has objected, the Court is under no obligation to conduct a de novo review. Accordingly, the Court reviewed the R&R for clear error. Upon careful review, and finding no clear error, the Court **ADOPTS** the R&R [ECF No. 16]. Plaintiff's motion for summary judgment is **GRANTED IN PART** [ECF No. 6], consistent with the findings in the R&R. Defendant's motion for summary judgment is **DENIED IN PART** [ECF No. 9], consistent with the findings in the R&R. This action is **REMANDED** to the Commissioner of Social Security for further proceedings consistent

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with this decision.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to
counsel of record.

DATED: January 29, 2024

Handwritten signature of Thomas S. Klee in black ink.

THOMAS S. KLEE, CHIEF JUDGE
NORTHERN DISTRICT OF WEST VIRGINIA